

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

NUITJEN, Petrus J.M. and WITVLIET, Maarten H.

Serial Number: To be assigned Group Art Unit: To be assigned

Filed: Concurrently herewith Examiner: To be assigned

For: SALMONELLA VACCINE

Corresponding to: EP 99204564.1, filed December 28, 1999

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

December 27, 2000

Sir:

Prior to the calculation of the fee in the above-identified application, please make the following amendments:

IN THE CLAIMS:

Please amend claims 1- 11 as follows.

1. (amended) [Bacterium] A mutated bacterium of the genus *Salmonella* that in its wild type form carries flagella, said bacterium [not being capable to induce antibodies against] lacking at least one antigenic determinant of flagellin or flagella[, for use in a vaccine for the protection of humans or animals against Salmonellosis] found in its wild type form.
2. (amended) [Bacterium] The bacterium according to claim 1, wherein said bacterium [is not capable to induce antibodies against] lacks at least one antigenic determinant of flagellin or flagella due to a mutation in a gene of the flagellar biogenesis pathway.
3. (amended) [Bacterium] The bacterium according to claim 2, wherein said mutation is located in the flagellin gene.

EXPRESS MAIL EL249703827US

4. (amended) [Bacterium according to claims 1-3] The bacterium according to claim 1, wherein said bacterium is selected from the group consisting of *S. typhimurium*, *enteritidis*, *choleraesuis*, *dublin*, *typhi*, *abortus-ovi*, *abortus-equi*, *paratyphi A* and *B*, *derby*, *hadar*, *heidelberg*, *agona* and *arizonae*.

5. (amended) [Bacterium according to claim 1-4] The bacterium according to claim 1, wherein said bacterium further carries a heterologous gene[, said heterologous gene preferably being inserted in the flagellan gene].

6. (amended) [Bacterium] The bacterium according to claim 1, [characterised in that it belongs to a] having the same immunological characteristics as the strain [of which an example] that has been deposited with the Centraalbureau voor Schimmelcultures under accession-number CBS 108955.

7. (amended) Vaccine for the protection of animals against Salmonellosis, [characterised in that the vaccine comprises bacterium as defined in claims 1-6] comprising an immunogenically effective amount of bacteria as defined in claim 1 or antigenic material thereof and a pharmaceutically acceptable carrier.

8. (amended) [Vaccine] The vaccine according to claim 7, [characterised in that said bacteria are] wherein the bacteria is in a live attenuated form.

9. (amended) [Vaccine] The vaccine according to claim 7, [characterised in that said] wherein the bacteria are inactivated.

10. (amended) The vaccine according to [claims 7-9, characterised in that it comprises] claim 7 comprising an adjuvant.

11. (amended) The vaccine according to [claims 7-10, characterised in that it is] claim 7 in a freeze-dried or spray-dried form.


Please cancel claims 12 and 13 without prejudice or disclaimer of the subject matter thereof.

REMARKS

Claims 1 - 11 are amended and claims 12 and 13 are canceled. Claims 1 - 11 are presented for examination.

It is believed that claims 1 - 11 recite a patentable improvement in the art. Favorable action is solicited. In the event any fees are required with this paper, please charge our Deposit Account No. 02-2334.

Respectfully submitted,

  
William M. Blackstone  
Attorney for Applicants  
Registration No. 29,772

Attorney Docket NO. 99511 US

Akzo Nobel Patent Department  
1300 Piccard Drive, Suite 206  
Rockville, Maryland 20850-4373  
Tel: (301) 948-7400  
Fax: (301) 948-9751

WMB:jlc

DONUITJEN-PRELIMINARY

EXPRESS MAIL EL249703827US